

DONALD C. FEIX
A PROFESSIONAL CORPORATION
TELEPHONE: (650) 342-4508

AN ASSOCIATION OF A PROFESSIONAL CORPORATION AND A SOLE PRACTITIONER

FEIX & FEIX
PATENT, TRADEMARK AND COPYRIGHT LAW
241 NORTH SAN MATEO DRIVE
SAN MATEO, CALIFORNIA 94401
TELEFAX: (650) 342-4683

THOMAS C. FEIX
TELEPHONE: (650) 342-4513

March 31, 1999

Greg Ross
Clear Focus Imaging, Inc.
3343 Industrial Drive, No. 2
Santa Rosa, CA 95403

Re: United States Patent Application Serial No. 09/267,025
Reissue Application of US 5,609,938 (Shields)
Filed: March 11, 1999
Title: IMAGE DISPLAY APPARATUS WITH HOLES FOR
OPPOSITE SIDE VIEWING
Feix Ref: TF-2018-03-RE

Dear Greg:

ENCLOSURES

- Encl. 1 We are enclosing (as Enclosure 1) a copy of the official filing receipt from the U.S. Patent and Trademark Office confirming the filing details for above-identified reissue application.
- Encl. 2 We are enclosing (as Enclosure 2) a copy of NOTICE TO FILE MISSING PARTS OF APPLICATION *FILING DATE GRANTED* dated 26 March 1999.
- Encl. 3 We are enclosing (as Enclosure 3) a REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form for execution by Rodney Shields as inventor.
- Encl. 4 We are enclosing (as Enclosure 4) a REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form for execution by Rodney Shields.

DEADLINE FOR RESPONSE

A response to the NOTICE TO FILE MISSING PARTS OF APPLICATION *FILING*

Greg Ross
March 31, 1999
page 2

DATE GRANTED is due (within the two month period set out in the Notice) by 26 May 1999.

A response may be filed later than this date by petition for extension of time.

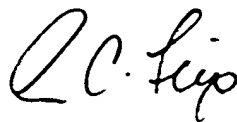
COMMENT ON ENCLOSURES & ACTION REQUIRED

Recall that this reissue application was filed without payment of the filing fee and without Rodney Shield's signature on the application papers in view of the last minute nature of the filing.

A filing date and serial number have been assigned to this application. However, in order to avoid abandonment of the application, we must file an executed inventor's oath or declaration and submit payment in the amount of \$ 986 to cover the government filing fee and late filing surcharge.

Therefore, would you please have Rodney Shields sign and date Enclosures 3 and 4 and return the executed documents along with payment in the amount of \$ 986 in time for filing with the Patent Office before the response deadline of 26 May 1999.

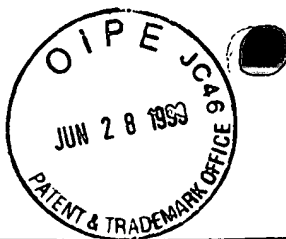
Very truly yours,



Thomas C. Feix

Enclosures

cc: Rodney Shields
3142 Sweetbriar Court
Lafayette, CA 94549



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/267,025 03/11/99 SHIELDS R TF-2018-03-R

0242/0326

THOMAS C FEIX
241 NORTH SAN MATEO DRIVE
SAN MATEO CA 94401

NOT ASSIGNED

1772

DATE MAILED:

03/26/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 986.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 18.00 for 1 total claims over 20.

\$ 78.00 for 1 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

K. Nelson

Customer Service Center



REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 C.F.R. § 1.178)

To the Assistant Commissioner for Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in Image Display Apparatus With Holes For Opposite Side
Patent number 5,609,938 granted to him/her on March 11, 1997, of which Viewing

- ☐ he/she is now sole owner,
☒ Creative Minds Foundation

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

- ☐ The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date: _____

Signature(s)

Rodney M. Shields

(type or print name(s))

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date _____, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number _____, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

(type or print name of person mailing paper)

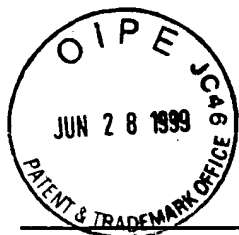
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee
[17-2]—page 1 of 2)



FEIX & FEIX

241 North San Mateo Drive
San Mateo, CA 94401
650 342 4513
Fax: 650 342 4683

FAX TRANSMISSION COVER SHEET

Date: March 11, 1999
To: Rodney Shields
Fax: 925 283-7738
Re: Reissue of Shields Patent, US 5,609,938 (Our Ref: 2018-03 RE)
Sender: Thomas C. Feix

YOU SHOULD RECEIVE 11 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 650 342 4513.

Rodney,

enclosed please find:

- 1) The last 2 pages of the '938 patent containing issued claims 1-7;
- 2) Preliminary Amendment for the reissue application (7 pages);
- 3) REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form (1 page).

Please sign, date and return (by fax today) item 3. I am still working on the Inventor's declaration which I will fax a little later this morning for your signature and date. Thank you for your cooperation in this matter.

The documents accompanying this telecopy transmission contain information which is confidential and privileged. This information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be advised that any disclosure, copying, distribution or use of this telecopied information is PROHIBITED. If you receive this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 C.F.R. § 1.178)

To the Assistant Commissioner for Patents:

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in Image Display Apparatus With Holes For Opposite Side
Patent number 5,609,938 granted to him/her on March 11, 1997, of which Viewing

☐ he/she is now sole owner,☒ Creative Minds Foundation

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

☒ The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date: _____

Signature(s)

Rodney M. Shields

(type or print name(s))

CERTIFICATION UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date _____, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number _____, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee

[17-2]—page 1 of 2)

HP OfficeJet
Personal Printer/Fax/Copier



Fax Log Report for
FEIX AND FEIX
1-415-342-4683
Mar-11-99 11:40 AM

Identification

Result

Pages Type

Date

Time

Duration Diagnostic

19252837738

Error
on page 2

09 Sent

Mar-11 11:34A

00:05:59 002380430028536

Cl. Focus

✓

CLEAR FOCUS Imaging, Inc.



May 5, 1999

Mr. Rodney Shields
3142 Sweetbriar Circle
Lafayette, CA 94549

RE: Reissue Application for US Patent 5,609,938, IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

Dear Mr. Shields:

As you know Clear Focus Imaging, as assignee, has applied for a reissue of your US Patent 5,609,938. Tom Feix, our patent attorney has timely prepared and submitted the necessary documents for this application. A REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form and a REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form, signed by you the inventor are missing parts of the application. These forms are necessary to continue the prosecution of this application. I believe that you may have previously discussed this matter with Mr. Feix.

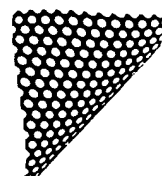
I have enclosed the completed forms and request that you sign them in the locations marked and return them me in the enclosed envelope ASAP. Please note that the date these materials must be sent to the USPTO to avoid payment of extension fees is May 26, 1999. It is necessary to receive these by May 21, 1999 at CLEAR FOCUS to allow for timely transmittal to the USPTO. Your prompt attention to this matter is appreciated. If you have any questions please call me at 707-544-7990. I am currently assisting Greg Ross in Patent matters. Greg is also available if you have any matter you need to discuss with him. Thanks for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rich Niehuser".

Rich Niehuser

C:\MyFiles\rjn\Docs\WP\rshields.wpd



CLEAR FOCUS Imaging, Inc.

Mr. Rodney Shields
3142 Sweetbriar Circle
Lafayette, CA, 94549



June 16, 1999

VIA EXPRESS MAIL RETURN RECEIPT

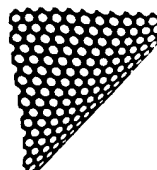
**RE: CONSENT TO REISSUE UNITED STATES PATENT 5,609,938 - IMAGE
DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING**

Dear Mr. Shields,

I am writing you again regarding the reissue application for Patent Number 5,609,938. This is your patent concerning an "IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING", issued March 11, 1997. As you know the entire rights to this patent were assigned to Clear Focus Imaging of Santa Rosa, California. As I explained to you in my letter of May 5, 1999 and in my telephone conversation with you on May 18, 1999, Clear Focus Imaging is seeking your signature on A REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form and a REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form. These forms are missing parts of the Reissue Application. The May 5, 1999 letter included the completed copies of these two the forms. I have also included a copy of these forms as enclosures to this letter if your are unable to locate the previously transmitted forms. I have also enclosed a prepaid, self addressed Federal Express envelope for your use in returning the signed forms to Clear Focus.

In our May 18, 1999 telephone call you indicated that you needed to review these forms with your attorney and that you would get back to me on this matter. On June 10, 1999 at approximately 9:00 A.M., I left a message on your home answering machine requesting that you call me regarding the status of these forms. I did not receive your return call, or a voice mail or hand message that you returned my call.

Prior to the filing of the Reissue Application for patent 5,609,938, Mr. Tom Feix, patent attorney for Clear Focus Imaging for this matter, told me that he also discussed this mater with you prior to submitting the application and that he forwarded a copy of the Reissue Application claims for your examination. Mr. Feix also told me that he had sent to you by facsimile a copy of a reminder from Mr. Feix sent to Clear Focus Imaging regarding the need to file these executed forms prior to June 26, 1999 in order to avoid addition fees for an extension of time to file these missing parts of the Reissue Application.



Mr. Rodney Shields
June 16, 1999

Yesterday, June 15, 1999, I called again and we did briefly discuss this matter. You again indicated that you had not yet decided whether or not to sign these forms and that you would try to get back to me before June 18, 1999.

I am writing you today to again request that you sign and date the REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY form and a REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER form in the places indicated on the enclosed completed forms. In order to avoid addition fees for time extensions in this matter it is important that I receive either the signed and dated forms or your notification to me that you do not intend to agree to sign these forms. Prior to Monday June 21, could you please either return the signed and dated forms in the enclosed Federal Express envelope or notify me by facsimile or by letter sent by Federal Express that you do not intend to sign the forms.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Richard Niehuser".

Richard Niehuser



SENDER:

☐ Complete Items 1 and/or 2 for additional services.
Complete Items 3, 4a, and 4b.
☐ Print your name and address on the reverse of this form so that we can return this card to you.
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
☐ Write "Return Receipt Requested" on the mailpiece below the article number.
☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:
Rodney Shields
3142 Sweet Briar Dr
Lafayette CA 94549

4a. Article Number
EH789973962US

4b. Service Type /
☒ Registered ☐ Certified
☒ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
6/11/99

8. Addressee's Address (Only if requested and fee is paid)

9. Received By: (Print Name)
[Signature]

10. Signature (Addressee or Agent)
[Signature]

11. Date
June 11, 1999

12. Domestic Return Receipt

RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



POST OFFICE TO ADDRESSEE EH789973962US

UNITED STATES POSTAL SERVICE TM

ORIGIN (POSTAL USE ONLY)

Date In: 6/11/99
Mo: 6 Day: 11 Year: 99
Time In: 1844
☐ Express Mail ☐ Registered ☐ Certified
Weight: 1.00 lbs
No Delivery: ☐ Weekend ☐ Holiday
Acceptance Clerk Initials: [Signature]
Total Postage & Fees: \$13.00

CUSTOMER USE ONLY

METHOD OF PAYMENT: ☐ Express Mail Corporate Acct. No. 22 16
Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT) 707.544-7990
Rich Meluskey
3343 Industrial Dr #2
Santa Rosa CA 95403

TO: (PLEASE PRINT) 925.283-7738
Mr. Rodney Shields
3142 Sweet Briar Circle
Lafayette CA 94549

FOR PICKUP OR TRACKING CALL 1-800-222-1811

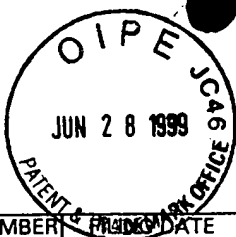


Label 11-B October 1995

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FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Pat nt and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/267,025	03/11/99	1772	\$0.00	TF-2018-03-R	7	21	2

THOMAS C FEIX
241 NORTH SAN MATEO DRIVE
SAN MATEO CA 94401

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

RODNEY M. SHIELDS, LAFAYETTE, CA.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A RE OF 08/324,889 10/18/94 PAT 5,609,938
WHICH IS A CIP OF 08/081,728 06/23/93 ABN

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 03/25/99

TITLE

IMAGE DISPLAY APPARATUS WITH HOLES FOR OPPOSITE SIDE VIEWING

PRELIMINARY CLASS: 428

DATA ENTRY BY: KATHY, NELSON

TEAM: 04 DATE: 03/25/99



FEIX & FEIX

241 North San Mateo Drive
San Mateo, CA 94401
650 342 4513
Fax: 650 342 4683

FAX TRANSMISSION COVER SHEET

Date: March 11, 1999
To: Rodney Shields
Fax: 925 283-7738
Re: Reissue of Shields Patent, US 5,609,938 (Our Ref: 2018-03 RE)
Sender: Thomas C. Feix

*YOU SHOULD RECEIVE 9 PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 650 342 4513.*

Rodney,

as a follow up to my earlier fax, I am sending a signature form entitled REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY.

Please sign and date page 5 of 6 and return by fax today for filing with the US PTO.

The documents accompanying this telecopy transmission contain information which is confidential and privileged. This information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be advised that any disclosure, copying, distribution or use of this telecopied information is PROHIBITED. If you receive this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.



Practitioner's Docket No. TF-2018-03-RE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rodney M. Shields
reissue Application No.: 09 / 267025 Group No.: 1772
Filed: March 11, 1999 Examiner: Not yet assigned
For: Image Display Apparatus With Holes For Opposite Side Viewing

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
JUL 08 1999
Publishing Division
02

COMPLETION OF FILING REQUIREMENTS — REISSUE APPLICATION

(check and complete this item, if applicable)

I.

- ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533), which was mailed on 03/26/99.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(when using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

- ☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

- ☒ as "Express Mail Post Office to Addressee" Mailing
Label No. EL030177355US (mandatory)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 6/28/99

JUL 12 1999

Signature

Publishing Division

Corres/Allowed

Adam C. Brink

(type or print name of person certifying)

*WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Completion of Filing Requirements — Reissue Application [17-10]—page 1 of 5)

II.**DECLARATION OR OATH**

- ☐ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

OR

- ☒ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached. *Petition under 37 CFR 1.47(b)*

NOTE: See 37 C.F.R. § 1.41.

NOTE: For surcharge fee for filing declaration after filing date complete item V(5) below.

NOTE: Acceptable minimums in the declaration for identification of the specification to which it applies are the name of the inventor and (1) application number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of Sept. 12, 1983 (1035 O.G. 3).

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, which are useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday, or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(check and complete (a) or (b), if applicable)

Attached is a:

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

III.**AMENDMENT CANCELING CLAIMS**

- ☐ Cancel claims _____ inclusive.

IV.**SMALL ENTITY STATUS**

WARNING: "Small entity status must not be established when the person or persons signing the . . . statement can unequivocally make the required self-certification." M.P.E.P. § 509.03, 6th ed., rev. 2, July 1996 (emphasis added).

NOTE: See 37 C.F.R. § 1.28.

- ☐ A statement that this filing is by a small entity

(check and complete applicable items)

- ☐ is attached.
- ☐ A separate refund request accompanies this paper.
- ☐ was filed on _____ (original).

V.

COMPLETION FEES

WARNING: See 37 C.F.R. § 1.53.

NOTE: See 37 C.F.R. § 1.28.

1. Filing Fee \$ 760.00
 - ☒ original reissue patent application
(37 C.F.R. § 1.16(h)—\$760.00; small entity—\$380.00)
 2. Fees for claims \$ 78.00
 - ☐ Each independent claim in excess of number of independent claims in original patent
(37 C.F.R. § 1.16(i)—\$78.00; small entity—\$39.00)
 3. \$ 18.00
 - ☒ Each claim in excess of number of independent claims in original patent
(37 C.F.R. § 1.16(j)—\$18.00; small entity—\$9.00)
 4. ☐ Multiple dependent claim(s) \$ _____
(37 C.F.R. § 1.16(d)—\$260.00; small entity—\$130.00)
 5. ☒ Surcharge fees \$ 130.00
 - ☒ Late payment of filing fee and/or
 - ☒ Late filing of original declaration or oath
(37 C.F.R. § 1.16(e)—\$130.00; small entity—\$65.00)
- NOTE:** If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. § 1.16(e).
6. ☒ Petition and fee for filing by other than all the inventors or a person not the inventor \$ 130.00
(37 C.F.R. § 1.17(i) and 1.47—\$130.00)
 7. Additional papers
 - ☐ Offer to surrender patent
 - ☐ Inventor(s)
 - ☐ Assignee
 - ☐ Return of original patent
 - ☐ Affidavit that patent lost or inaccessible
 - ☐ Petition to proceed without assignee's assent
(M.P.E.P., 6th ed., rev. 1, § 1410.01)
(37 C.F.R. § 1.17(h)—\$130.00) \$ _____
 8. ☐ Assignment (See "ASSIGNMENT COVER SHEET".) \$ 1,116.00

Total completion fees

IX.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

WARNING Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. 1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No.

☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. § 1.17 (application processing fees)

☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee". From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Date: June 28, 1999

Thomas C. Feix

(type or print name of practitioner)

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